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GOVERNMENT OF PUDUCHERRY
LEGISLATIVE ASSEMBLY SECRETARIAT

No.1462/2013-LA(Legn.).

Puducherry, the 26th July 2013.

Under rule 140 of Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly, the following Bill viz.,

“The Puducherry Excise (Amendment) Bill, 2013 (Bill No. 5 of 2013)”

which was introduced in the Legislative Assembly on July 25, 2013 is published for general information.

THE PUDUCHERRY EXCISE (AMENDMENT)

BILL, 2013

(Bill No. 5 of 2013)

A

BILL

further to amend the Puducherry Excise Act, 1970.

BE it enacted by the Legislative Assembly of Puducherry in the Sixty-fourth Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Puducherry Excise (Amendment) Act, 2013.

(2) It shall come into force at once.

Amendment of
section 43.

2. In the Puducherry Excise Act, 1970 (herein-
after referred to as the principal Act), in
section 43, after sub-section (2), the following
sub-sections shall be inserted, namely:—

Act
No.12
of
1970.

"(3) Notwithstanding anything contained in sub-sections (1) and (2) or any other law for the time being in force, where any property liable for confiscation under section 42 is seized or detained, the Excise Commissioner or any other officer authorised by the Government in that behalf is satisfied that an offence has been committed against this Act and whether or not a prosecution is instituted for such offence, he may, without prejudice to any other punishment to which the offender is liable under this Act, order confiscation of any property or animal, vessel, cart or other vehicle used in the commission of such offence:

Provided that, before passing an order of confiscation, the owner or the person from whom such property, animal, vessel, cart or other vehicle is seized, shall be given—

- (i) a notice in writing informing him of the grounds on which it is proposed to confiscate;
- (ii) an opportunity of making a representation in writing within a reasonable time, not exceeding 14 days as may be specified in the notice, against the grounds of confiscation; and
- (iii) a reasonable opportunity of being heard in the matter:

Provided further that the owner or the person from whom such property, animal, vessel, or cart or other vehicle is seized shall be given an option to pay, *in lieu of* its confiscation, an amount not exceeding the market price of such property.

(4) While making an order of confiscation under sub-section (3), the Excise Commissioner or any other officer authorised by the Government may also order that such of the properties to which the order of confiscation relates, which, in his opinion, cannot be preserved or are not fit for human consumption, be destroyed.

(5) Where the Excise Commissioner or any other officer authorised by the Government after passing an order of confiscation under sub-section (3) is of the opinion that it is expedient

in the public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction or dispose it of otherwise and the proceeds remitted into the excise revenue account under this Act.

(6) Where the confiscation is ordered by an officer authorised by the Government in this behalf, such officer shall submit a report of all particulars of confiscation to the Excise Commissioner within one month of such confiscation.

(7) Any person aggrieved by an order of confiscation under sub-section (3) may, within one month from the date of the receipt of such order, appeal to the court of session having jurisdiction.”.

Insertion of new
section 43-A.

3. In the principal Act, after section 43 as so amended, the following shall be inserted, namely:-

“43A. Order of confiscation and destruction not to interfere with other punishment.—(1) The order of any confiscation under sub-section (3) of section 43 shall not prevent imposition of any other punishment to which the person affected thereby is liable under this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, the non-production of confiscated property before the trial court due to disposal of such property, shall not affect the conviction for an offence under this Act:

Provided that the samples of liquor and the photographs of the confiscated property may be preserved to meet the evidentiary requirements.”.

STATEMENT OF OBJECTS AND REASONS

In order to provide a uniform law relating to production, possession, import, export, transport, purchase and sale of liquor and intoxicants and to perform the duties in connection with the detection, investigation and trial of offences related to illicit manufacture, possession, sale and transport of liquor and intoxicants in the Union territory of Puducherry, the Puducherry Excise Act, 1970 was enacted. The offences and penalties against the violators of the Act have been dealt in Chapter-VII of the Puducherry Excise Act, 1970. The excise squad has over the years detected several offences related to illicit manufacture, possession, transport and sale of intoxicants and tried the offences in the Hon'ble Court of Law, after registration of FIR in the excise police station.

The intoxicants along with the persons and property involved in the offence are produced in the court. The trial of the offences takes a very long time and the property seized are kept at the safe custody of the investigating officer till the trial of the case is completed. This has led to piling up of vehicles in the excise police station and the valuable vehicles got degraded by efflux of time. Hence, necessary legal provisions have been proposed to empower the Excise Commissioner or any other officer authorised by the Government to confiscate and dispose off the property without prejudice to the trial of the cases by the Court of Law for the offence committed, on par with the provisions as available in Tamil Nadu Prohibition Act, 1937 and Andaman and Nicobar Islands Excise Regulation, 2012.

The property confiscated shall be disposed off by public auction and proceeds remitted into the excise revenue account under the Act. In order to expedite the process of confiscation and disposal of the property by the Excise Commissioner, amendments are proposed in the relevant sections of the Puducherry Excise Act, 1970.

For the above purpose, a Bill titled as the Puducherry Excise (Amendment) Bill, 2013 is proposed to be enacted.

The bill seeks to achieve the above objects.

N. RANGASAMY,
Chief Minister.

ADMINISTRATOR'S RECOMMENDATION UNDER
SUB-SECTION (1) OF SECTION 23 OF THE
GOVERNMENT OF UNION TERRITORIES ACT, 1963

(Copy of Letter No.5544/DCE/SQD/2012, dated 16-7-2013 from
Hon'ble Thiru N. Rangasamy, Chief Minister to the Hon'ble Speaker,
Legislative Assembly, Puducherry.)

The Lieutenant-Governor, Puducherry having been informed of the
subject matter of the proposed Puducherry Excise (Amendment) Bill, 2013
regulating the confiscation and disposal of all the things liable for confiscation
under the said Act, in the Union territory, recommends under sub-section (1)
of section 23 of the Government of Union Territories Act, 1963 (Central
Act 20 of 1963), the introduction in and consideration by the Legislative
Assembly of the said Bill.

R. ANBAJAGANE,
Secretary,
Legislative Assembly Secretariat.

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